

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

**FILED**

**APR 13 2020**

Clerk, U S District Court  
District Of Montana  
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH NATHAN SMELLS,

Defendant.

**Case No. CR 19-110-BLG-SPW**

**ORDER**

On April 10, 2020 an Administrative Order amending and superseding the Administrative Order filed on March 27, 2020 was filed by Chief Judge Morris regarding COVID-19 and the advised precautions to reduce the possibility of exposure to the virus and slow the spread of the disease. On March 27, 2020 the President signed into law the CARES Act, H.R. 748. Subject to the Judicial Conference of the United States finding that “emergency conditions due to the national emergency declared by the President” will “materially affect the functioning of either the Federal courts generally or a particular district court of the United States,” the Chief Judge hereby authorizes “the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available,” for the ten types of criminal procedures enumerated in Section 15002(b)(1) of the CARES Act.

See also The President's Coronavirus Guidelines for America, CDC, 2 (2020), (recommending canceling events involving ten or more people)

[https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20\\_coronavirus-guidance\\_8.5x11\\_315PM.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf)

Therefore,

**IT IS HEREBY ORDERED** that the Sentencing Hearing set for Thursday, April 23, 2020 at 1:30 p.m. is **VACATED**.

**IT IS FURTHER ORDERED** that the Sentencing Hearing is **RESET VIA VIDEO from the Yellowstone County Detention Facility on Wednesday, April 22, 2020 at 2:00 p.m.** Counsel may appear in the Snowy Mountains Courtroom thirty (30) minutes prior to the hearing to video conference with Defendant. If the defendant objects to this hearing being held via video, he must file a motion to continue the hearing to allow time for the defendant to be transported.

The Clerk of Court is directed to notify counsel and the U.S. Marshals Service of the making of this Order.

DATED this 13<sup>th</sup> day of April, 2020.

  
SUSAN P. WATTERS  
U.S. DISTRICT COURT JUDGE